THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.13861 of 2007

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Date: 06.09.2007

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Between:

G.Ramaiah and others

…Petitioners

and

State of Andhra Pradesh and others

…Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.13861 of 2007

O R D E R:

The case of the petitioners is that the 1st petitioner late G.Ramaiah, head of the family, filed declaration bearing No.UCI/299/81 declaring his name and names of his eight major sons before the 3rd respondent - Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad with regard to the land to an extent of Ac.7-13 guntas in Survey Nos.44, 47, 51, 52 and 59 situated at Saidabad, Hyderabad District. The 3rd respondent in view of the fact that the said land is vested in the State Government with effect from 05.11.1984 under sub-section (3) of Section 10 of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act') vide notification published in A.P. Gazette No.225, dated 22.10.1984, issued a notice, dated 11.01.1985, to the declarant under sub-section (5) of Section 10 of the Act directing him to surrender surplus land to an extent of 29410.38 sq.meters in Survey Nos.44, 47, 51, 52 and 59 of Saidabad Village and Mandal, Hyderabad. The sons of the declarant filed separate appeals before the 2nd respondent - Commissioner of Land Reforms and Urban Land Ceiling, Hyderabad under Section 33 of the Central Act and all the appeals bearing Nos.UC1/318 to 324/85 and 339/85 were dismissed vide order, dated 16.08.1985, as their father filed declaration in respect of his self-acquired property. Aggrieved by

the notice issued by the 3rd respondent and the order passed by the 2nd respondent, the said G.Ramaiah and his 8 sons filed separate writ petitions on the file of this Court and the same were allowed on 03.02.1987 remanding the matter to the appellate authority. The declarant filed an application under Section 20(1)(a) of the Act before the Government. It is stated that the appellate authority by order, dated 10.07.1995, allowed the appeals and remanded the matter to the 3rd respondent for further enquiry and disposal of the case. It is further stated that without conducting any enquiry, the 3rd respondent straight away passed orders vide proceedings No.J2/11300/76, dated 24.07.2006, under Section 10(6) of the Act to hand over the possession of the surplus land.

Learned counsel appearing for the petitioners submits that once the matter is remanded by the appellate authority, the 2nd respondent shall issue fresh notice, conduct enquiry and pass orders only after giving reasonable opportunity to the petitioners, but the 2nd respondent straight away passed orders for taking over possession of the surplus land, which is impugned in the present writ petition.

The third respondent filed counter affidavit stating that due to oversight by the clerical staff, the impugned order, dated 24.07.2006, in C.C.No.J2/11300/76 under Section 10(6) of the Act was passed for taking over the possession of the surplus land by the Enquiry Officer of the office of the third respondent, but, however, the 3rd respondent cancelled the said impugned order by passing another order, dated 03.07.2007.

In view of the fact that the impugned order has already been

cancelled by the order passed by the 3rd respondent on 03.07.2007, no orders are required to be passed in this writ petition.

The writ petition is accordingly disposed of. No costs.

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V.ESWARAIAH, J

6th September, 2007.

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